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10 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 DARNELL McGARY,

12 Plaintiff,

13 v.

14 RONALD CULPEPPER, *et al*,

15 Defendants.
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CASE NO. C05-5376RBL

ORDER STAYING DISCOVERY
AND DIRECTING
DEFENDANTS TO FILE THEIR
MOTION WITHIN THE NEXT
THIRTY DAYS

19 This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§
20 636(b) (1) (A) and 636(b) (1) (B) and Local Magistrate Judge's Rules MJR 1, MJR 3, and MJR
21 4. The matter is before the court on defendant's motion to stay discovery pending filing of a
22 dispositive motion based on qualified immunity (Dkt. # 99).

23 Qualified immunity is more than just immunity from liability. The doctrine of qualified
24 immunity recognizes that the burden of responding to discovery and the time it takes away from
25 government work should be avoided where possible. Thus, the raising of the defense usually
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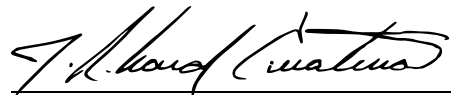
1 precludes discovery until the issue of qualified immunity has been addressed. See generally,
2 Harlow v. Fitzgerald, 457 U.S. 800 (1982); Butz v Economou, 438 U.S. 478 (1978).

3 The motion to stay discovery pending a motion on qualified immunity being filed is
4 GRANTED. The court is aware of plaintiff's concern regarding how long this case has been
5 pending and does not intend to grant an open ended stay of discovery. Defendants have 30 days
6 from today to file and properly note their motion.
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8 The granting of this motion necessarily denies plaintiff's motion to take non stenographic
9 depositions at this time (Dkt. # 102). That denial is WITHOUT PREJUDICE to plaintiff's
10 raising the issue again if any part of this action survives the dispositive motion.

11 The clerk's office is directed to remove Dkt. # 99 and 102 from the court's calendar and
12 send plaintiff a copy of this order.
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14 DATED this 9th day of September, 2009.

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17 J. Richard Creatura
18 United States Magistrate Judge
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